

REMARKS

Formal Matters

Claims 1 and 5-13 remain in this application. Claims 2-4 and 14-15 have been canceled. Claim 1 is amended by incorporating claim 3 into claim 1. Claim 3 has not been rejected on any statutory ground, but only as to obviousness-type double patenting. No new matter is added by the amendment. Support for the amendment to claim 3 is found, for example, in the originally filed claims themselves, where claim 3 directly depends on claim 1.

Rejection Under 35 U.S.C. § 102(b) (Wan as evidenced by Li)

Claims 1, 6, 8-10, 14, and 15 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Wan *et al.*, US 6,177,548 (Wan) as evidenced by Li *et al.*, www.bioprocessingjournal.com, September/October, 2005, pages 1-8 in vol. 4(5): page 23) (Li)

Since claim 1 has been amended to include the recitations of claim 3, claims 14-15 are canceled, and all other rejected dependent claims depend from this amended independent claim 1, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 6, 8-10, 14, and 15 under 35 U.S.C. § 102(b) over Wan as evidenced by Li.

Rejection Under 35 U.S.C. § 102(b) (Jiskoot as evidenced by Li)

Claims 1, 5, 6, 8-12, 14, and 15 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Jiskoot *et al.*, *Develop. Biol. Standard.*, 71: 73-78 (1990) (Jiskoot) as evidenced by Li.

Since claim 1 has been amended to include the recitations of claim 3, claims 14-15 are canceled, and all other rejected dependent claims depend from this amended independent claim 1, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 5, 6, 8-12, 14, and 15 under 35 U.S.C. § 102(b) over Jiskoot as evidenced by Li.

Rejection Under 35 U.S.C. § 102(b) (Bodo)

Claims 1, 5, 7, and 11 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bodo (US 5,196,323 (Bodo)).

Since claim 1 has been amended to include the recitations of claim 3, and all rejected dependent claims depend from this amended independent claim 1, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 5, 7, and 11 under 35 U.S.C. § 102(b) over Bodo.

Rejection Under 35 U.S.C. § 103(a) (Chaudhary in view of Gagnon)

Claims 1, 6, 7, and 9-11 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Chaudhary *et al.*, *Nature*, 339: 394-397 (1989) (Chaudhary) in view of Gagnon *et al.*, *Purification Tools for Monoclonal Antibodies*, pages 67-86, Validated Biosystems, Inc., Tucson, AZ, 1996 (Gagnon).

Since claim 1 has been amended to include the recitations of claim 3, and the rejected dependent claims depend from amended independent claim 1, applicant respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over Chaudhary in view of Gagnon.

Rejection Under 35 U.S.C. § 103(a) (Lynch in view of Gagnon)

Claims 1, 5, 7, 9, 10, 14, and 15 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Lynch *et al.*, *Genetic Engineering News*, Nov. 1, 1997 (Lynch) in view of Gagnon.

Since claim 1 has been amended to include the recitations of claim 3, claims 14 and 15 have been canceled, and all the rest of the rejected dependent claims depend from amended independent claim 1, applicant respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over Lynch in view of Gagnon.

Rejection Under 35 U.S.C. § 103(a) (Gooding and Schmuck in view of Gagnon)

Claims 1, 2, 4, 6, 7, and 9 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Gooding and Schmuck, *J. Chromatog.*, 327: 139-146 (1985) (Gooding and Schmuck) in view of Gagnon.

Since claim 1 has been amended to include the recitations of claim 3, claims 2 and 4 have been canceled, and all the rest of the rejected dependent claims depend from amended independent claim 1, applicant respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over Gooding and Schmuck in view of Gagnon.

Judicially Created Double Patenting Rejection

Claims 1-15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,620,918. **This patent is the parent of the instant continuation application and is now under *ex parte* reexamination, with application/control no. 90/007,835 filed 12/02/2005, currently under non-final rejection with an Office Action mailed 9/29/2006 by Sharon L. Turner in Group Art Unit 3991.**

Applicant encloses a Terminal Disclaimer in compliance with 37 CFR § 1.321(b) to overcome this rejection, since the above-identified patent is commonly owned with this application. The submission of the Terminal Disclaimer herein is not to be construed as an admission that any of the

claims are anticipated by or obvious over the patent alone or in combination with any other reference under 35 USC § 102 or § 103.

In view of the enclosed Terminal Disclaimer, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-15 under the doctrine of obviousness-type double patenting.

General matters

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, she may call the undersigned at the number indicated below.

This Amendment is submitted with a transmittal letter and petition for a two-month extension of time and fees. Applicant believes no other fees are due in this application; however, if this is in error, applicant petitions the Commissioner to authorize charging Deposit Account 07-0630 for any fees required due to maintain the pendency of this application.

Applicant believes the claims as amended are in condition for allowance and respectfully requests a notice to that effect.

Respectfully submitted,

GENENTECH, INC.

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